

**REMARKS**

The present invention is a payment terminal device for coupling to a point of sale device and to a payment center and further, a payment system. A payment terminal device 10 in accordance with an embodiment of the invention for coupling to a point of sale device 26 and to a payment center 1 includes a first interface 19 for coupling a mobile telephone 14 to the payment terminal device 10 and to the payment center to transfer first data information between the payment terminal device and the payment center via the mobile phone 14 and a voice channel established between the mobile telephone and the payment center, wherein the first data information is for transfer between the payment terminal device and the payment center via the mobile telephone and the a voice channel of a mobile cellular telephone network between the mobile phone and the payment center; a second interface means 25 for coupling the payment terminal device and the payment center for transferring second data information between the payment terminal device and the payment center; and data processing means 11, coupled to the first and second interface means, for processing data received from the payment center via said first and/or the second interface means and for generating data for transmission to the payment center via the first and/or the second interface means; wherein the first interface means comprises coupling means for coupling the first interface means to the mobile telephone, for transferring data between the processing means and the payment center via the first interface means, the mobile telephone and said voice channel to the coupling means, a modem, connected to said coupling means for converting the data transferred via the first interface means wherein the coupling means includes an

acoustic coupler for transferring sound data or acoustic data between the mobile phone and the payment terminal device, wherein data transferred between said processing means and said payment center via the first interface means are transferred between the first interface means and the mobile telephone via said acoustic coupler as sound data or acoustic data and are transferred between the mobile telephone and the payment center via the voice channel and wherein the second interface means comprises means for converting data transferred between the second interface means and the payment center into data for processing by the processing means and the payment center and vis-a-versa.

An important aspect of the present invention is that a user may use diverse designs of mobile phones to pay for purchased services at a terminal device. With the present invention, a mobile phone of diverse design only functions to establish the additional communication path between the payment device and the payment center. The additional communication path is performed via an acoustic coupler for transferring sound data or acoustic data between the payment terminal and the mobile phone and between the mobile phone and the payment center over the voice channel established by the phone. The mobile phone uses an acoustic coupling and an established voice channel for providing the second data information between the payment device and the payment center as claimed. The claims require the payment device to exchange data between the payment center via two different communication or data transfer paths with a first direct data communication path and a second path including the acoustic coupler between the terminal device and the mobile phone and the voice channel established by the mobile telephone via the mobile phone network.

Claims 16-17, 19-29 and 33-34 stand rejected under 35 U.S.C. §103 as being unpatentable over EP 1 120 761 (Adolph) in view of USP 5,577,100 (McGregor et al) and EP 0 848 360 (Rossmann). Specifically, the Examiner reasons as follows:

Re Claims 16, 29: Adolph discloses wherein said mobile phone is being connected to said payment center via said mobile cellular telephone network (see [0022]); said payment center and the said payment terminal are being connected via a second direct connection (see [0021]); discloses a first interface means for coupling said mobile phone to the payment terminal device to transfer first data information between said mobile phone and said payment device, wherein said first data information is transferred between said payment terminal device and said payment center which are connected via a mobile cellular telephone network to said mobile phone (see [0022]); second interface means for coupling said payment terminal device and said payment center, for transferring second data information between said payment terminal device and said payment center (see [0024]); and data processing means, coupled to said first and said second interface means for processing data received from said first and said second interface means and for generating data for transmission to said first and/or said second interface means (see [0006], Figure 1); and wherein said second interface means comprises means for converting data transferred between second interface means and said payment center into data processed by said processing means and said payment center and vice versa (see [0024]).

These grounds of rejection are traversed for the following reasons.

As is apparent from the above Statement of the Rejection of claims 16 and 29, Adolph is recognized as failing to disclose limitations of the claims and further, Adolph and McGregor are further recognized to not disclose limitations of the claims with the Rossmann et al publication being cited as suggesting a transfer via a sound data or acoustic data. However, a person of ordinary skill in the art would not be led to modify the suggested combination of Adolph and McGregor to use Rossmann's acoustic channel with the claimed second path including an acoustic coupler between the terminal device and the mobile phone and a voice

channel established between the mobile phone of no particular design and the mobile phone network at the payment center except by impermissible hindsight.

In the first place, it is submitted that the Examiner in rejecting the claims as being obvious over the aforementioned combination of Adolph in view of McGregor and Rossmann, is engaging in impermissible hindsight reconstruction of the claimed invention.

With respect to Rossmann, it is submitted that the Examiner's reliance upon column 5, lines 34-35 and column 6, lines 45-47, for teaching an acoustic coupler for transferring sound data or acoustic data between a mobile phone and a payment terminal device does not meet or suggest the claimed use of an acoustic coupler for transferring sound data or acoustic data between the mobile phone and payment terminal and the voice channel between the mobile phone and the payment center as recited in independent claims 16 and 29. It is submitted that a person of ordinary skill in the art would not find the disclosure of Rossmann in combination with Adolph and McGregor to suggest or lead "first interface means for coupling a mobile telephone to the payment terminal device to transfer a first data information between said payment terminal device and said payment center via said mobile phone and a voice channel established between said mobile phone and said payment center, wherein said first data information is configured for transfer between said payment terminal device and said payment center via said mobile phone and a voice channel of a mobile phone telephone network between said mobile phone and said payment center...wherein said coupling means has an acoustic coupler for transferring sound data or acoustic data between said mobile phone and said payment terminal device; wherein data transferred between said processing means and said payment center via said first

interface means are transferred between said first interface means and said phone via said acoustic coupler as sound data or acoustic data and are transferred between said mobile telephone and said payment center via said voice channel" as recited in claim 16 and further, "the payment terminal device including a first interface means for coupling said mobile telephone to the payment terminal device to transfer first data information between said payment terminal device and said payment center via said mobile phone and a voice channel established between said mobile phone and said payment center, wherein said first data information is for transfer between said payment terminal device and said payment center via said mobile phone and said voice channel of a mobile cellular telephone network between said mobile phone and said payment center...wherein said coupling means has an acoustic coupler for transferring sound data or acoustic data between said mobile phone and said payment center device; wherein data transferred between said processing means and said payment center via said first interface means are transferred between said first interface means and said mobile telephone via said acoustic coupler as sound data or acoustic data; and are transferred between said mobile phone and said payment center via said voice channel" as recited in claim 29.

The foregoing subject matter facilitates a user of any mobile phone to make payments for services or products at a payment terminal device. This subject matter is not suggested to a person of ordinary skill in the art by the stated rationale for the combination of Adolph in view of McGregor et al and Rossmann as suggested by the Examiner. With the claimed invention, the mobile phone only serves as a means to establish an additional second path between the

payment terminal and the payment center. The communication is performed via the acoustic coupling and the voice channel established by the telephone.

Accordingly, if the proposed combination of Adolph in view of McGregor et al and Rossmann were made, the foregoing subject matter of the independent claims would not be achieved. Accordingly, the Examiner's rejection of the claims as being obvious is erroneous and should be withdrawn. Early allowance of the claims is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (1123.44203X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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